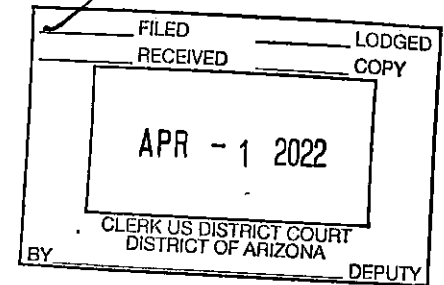


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3 District of Arizona
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12 Attorneys for Plaintiff



13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE DISTRICT OF ARIZONA

15 United States of America,
16
17 Plaintiff,

CR22-604-JGZ-EJM
Mag. No. 22-01545M (EJM)

18 vs.

PLEA AGREEMENT

19 Laurencio Garcia,
20
21 Defendant.

(Fast Track U.S.S.G. § 5K3.1)

22 The United States of America and the defendant agree to the following disposition
23 of this matter:

24 PLEA

25 The defendant agrees to plead guilty to the Information charging the defendant with
26 a violation of 8 U.S.C. §§ 1324(a)(1)(A)(v)(I), 1324(a)(1)(A)(ii) and 1324(a)(1)(B)(i),
27 Conspiracy to Transport Illegal Aliens for Profit, a felony.

28 ELEMENTS OF THE OFFENSE AND SENTENCING FACTOR

1. There was an agreement between two or more persons to commit the offense
of transporting an illegal alien in violation of Title 8, United States Code, Section
1324(a)(1)(A)(ii), that is, there was an agreement that all or some of the co-conspirators,
knowing or in reckless disregard of the fact that the alien had come to, entered, or remained
in the United States in violation of law, would knowingly transport such alien within the
United States by means of transportation or otherwise, in furtherance of such violation of
law.

1 2. The defendant became a member of the conspiracy knowing that the object
2 of the conspiracy was the transportation of an illegal alien and the defendant intended to
3 accomplish said object for the purpose of private financial gain or commercial advantage.

4 STIPULATIONS, TERMS AND AGREEMENTS

5 Maximum Penalties

6 A violation of 8 U.S.C. §§ 1324(a)(1)(A)(v)(I), 1324(a)(1)(A)(ii), and
7 1324(a)(1)(B)(i), is punishable by a maximum fine of \$250,000.00, or a maximum term of
8 imprisonment of ten (10) years, or both, plus a term of supervised release of three years
9 and a special assessment of \$100. The special assessment is due and payable at the time
10 the defendant enters the plea of guilty, and must be paid by the time of sentencing unless
11 the defendant is indigent. If the defendant is indigent, the special assessment will be
12 collected according to Title 18, United States Code, Chapters 227 and 229.

13 The defendant will pay upon conviction an additional \$5,000 special assessment
14 pursuant to 18 U.S.C. § 3014(a), unless the Court determines that the defendant is indigent.

15 Agreements Regarding Sentence

16 1. Guideline Calculations: Although the parties understand that the Guidelines
17 are only advisory and just one of the factors the Court will consider under 18 U.S.C. §
18 3553(a) in imposing a sentence, pursuant to Fed. R. Crim. P. 11(c)(1)(C), the parties
19 stipulate and agree that the below guideline calculations are appropriate for the charge for
20 which the defendant is pleading guilty:

21 Base Offense Level:	2L1.1(a)(3)	12
22 Number of Aliens:	2L1.1(b)(2)	+3
23 Substantial Risk of Bodily Harm:	2L1.1(b)(6)	18/0*
24 Acceptance of Responsibility:	3E1.1(a)&(b)	-3/-2
25 Early Disposition/Government Savings:	5K3.1/5K2.0	-2
26 Total Adjusted Offense Level:		13/11

27 *The parties dispute the application of the substantial risk enhancement under
28 U.S.S.G. § 2L1.1(b)(6) and reserve the issue for decision by the sentencing court. Each
party will be free to argue its respective position at sentencing.

1 2(A). Sentencing Range (2L1.1(b)(6) Enhancement Applied): Should the Court
2 apply the enhancement under U.S.S.G. § 2L1.1(b)(6), pursuant to Fed. R. Crim. P.
3 11(c)(1)(C), the government and the defendant stipulate and agree that the following are
4 the applicable guideline ranges for the offense, based on the defendant's criminal history
5 category (CHC) at Adjusted Offense Level 13:

6 CHC I: a sentencing range of 12-18 months' imprisonment.
7 CHC II: a sentencing range of 15-21 months' imprisonment.
8 CHC III: a sentencing range of 18-24 months' imprisonment.
9 CHC IV: a sentencing range of 24-30 months' imprisonment.
10 CHC V: a sentencing range of 30-37 months' imprisonment.
11 CHC VI: a sentencing range of 33-41 months' imprisonment.

12 2(B). Sentencing Range (2L1.1(b)(6) Enhancement Not Applied): Should the Court
13 not apply the enhancement under U.S.S.G. § 2L1.1(b)(6), pursuant to Fed. R. Crim. P.
14 11(c)(1)(C), the government and the defendant stipulate and agree that the following are
15 the applicable guideline ranges for the offense, based on the defendant's criminal history
16 category (CHC) at Adjusted Offense Level 11:

17 CHC I: a sentencing range of 8-14 months imprisonment.
18 CHC II: a sentencing range of 10-16 months imprisonment.
19 CHC III: a sentencing range of 12-18 months imprisonment.
20 CHC IV: a sentencing range of 18-24 months imprisonment.
21 CHC V: a sentencing range of 24-30 months imprisonment.
22 CHC VI: a sentencing range of 27-33 months' imprisonment.

23 **This plea agreement is contingent upon the successful guilty pleas of all**
24 **defendants in 22-01545M (EJM). If any of the co-defendants do not plead guilty in**
25 **this case, the government reserves the right to withdraw from the plea agreement.**

26 3. The defendant may withdraw from the plea agreement if he/she receives a
27 sentence that exceeds the stipulated ranges listed above.

28 4. If the defendant moves for any adjustments in Chapters Two, Three or Four of
the Sentencing Guidelines or any "departures" from the Sentencing Guidelines, the
government may withdraw from this agreement. If the defendant argues for a variance
under 18 U.S.C. § 3553(a) in support of a sentence request below the stipulated range in
this agreement, the government may oppose the requested variance. The government,

1 however, will not withdraw from the agreement if the defendant argues for, and the Court
2 grants, a variance below the stipulated range in this agreement.

3 5. The parties agree that the defendant was an average participant in the offense for
4 the purpose of role analysis under U.S.S.G. §§ 3B1.1 and 3B1.2.

5 6. If the Court, after reviewing this plea agreement, concludes any provision is
6 inappropriate under Fed. R. Crim. P. 11(c)(5), it may reject the plea agreement, giving the
7 defendant, in accordance with Fed. R. Crim. P. 11(d)(2)(A), an opportunity to withdraw
8 the defendant's guilty plea.

9 7. The defendant recognizes that pleading guilty may have consequences with
10 respect to his/her immigration status if defendant is not a citizen of the United States.
11 Under federal law, a broad range of crimes are removable offenses, including the offense(s)
12 to which defendant is pleading guilty. Removal and other immigration consequences may
13 be the subject of a separate judicial or administrative proceeding, and the defendant has
14 discussed the direct and collateral implications this plea agreement may have with his or
15 her defense attorney. Defendant nevertheless affirms that he/she wants to plead guilty
16 regardless of any immigration consequences that this plea may entail, even if the
17 consequence is defendant's automatic removal from the United States.

18 Forfeiture

19 Nothing in this plea agreement shall be construed to protect the defendant from
20 civil forfeiture proceedings or prohibit the United States from proceeding with and/or
21 initiating an action for civil forfeiture. Further, this agreement does not preclude the United
22 States from instituting any civil proceedings as may be appropriate now or in the future.

23 Plea Addendum

24 This written plea agreement, and any written addenda filed as attachments to this
25 plea agreement, contained all the terms and conditions of the plea. Any additional
26 agreements, if any such agreements exist, shall be recorded in a separate document and
27 may be filed with the Court under seal. Accordingly, additional agreements, if any, may
28 not be in the public record.

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1 commits any criminal offense between the date of this agreement and the date of
2 sentencing, the government will have the right to withdraw from this agreement. Any
3 information, statements, documents and evidence which the defendant provides to the
4 United States pursuant to this agreement may be used against the defendant in all such
5 proceedings.

6 If the defendant's guilty plea is rejected, withdrawn, vacated, or reversed by any
7 court in a later proceeding, the government will be free to prosecute the defendant for all
8 charges as to which it has knowledge, and any charges that have been dismissed because
9 of this plea agreement will be automatically reinstated. In such event, the defendant waives
10 any objections, motions, or defenses based upon the Speedy Trial Act or the Sixth
11 Amendment to the Constitution as to the delay occasioned by the later proceedings.
12 Defendant agrees that the stipulated sentencing ranges set forth under "Agreements
13 Regarding Sentence" will not be offered if prosecution is re-instituted.

14 Disclosure of Information to U.S. Probation Office

15 The defendant understands the government's obligation to provide all information
16 in its file regarding defendant to the United States Probation Office. The defendant fully
17 understands and agrees to cooperate fully with the United States Probation Office in
18 providing all information requested by the probation officer.

19 Effect on Other Proceedings

20 I further understand that if I violate any of the conditions of my supervised release,
21 my supervised release may be revoked. Upon such revocation, notwithstanding any other
22 provision of this agreement, I may be required to serve a term of imprisonment or my
23 sentence may otherwise be altered.

24 WAIVER OF DEFENDANT'S RIGHTS

25 I have read each of the provisions of the entire plea agreement with the assistance
26 of counsel and understand its provisions. I have discussed the case and my constitutional
27 and other rights with my attorney. I understand that by entering my plea of guilty I will be
28 giving up my right to plead not guilty; to trial by jury; to confront, cross-examine, and

1 compel the attendance of witnesses; to present evidence in my defense; to remain silent
2 and refuse to be a witnesses against myself by asserting my privilege against self-
3 incrimination; all with the assistance of counsel, to be presumed innocent until proven
4 guilty beyond a reasonable doubt, and to appeal. This waiver shall not be construed to bar
5 an otherwise-preserved claim of ineffective assistance of counsel or of "prosecutorial
6 misconduct."

7 I agree to enter my guilty plea as indicated above on the terms and conditions set
8 forth in this agreement.

9 I have been advised by my attorney of the nature of the charge to which I am entering
10 my guilty plea. I have further been advised by my attorney of the nature and range of the
11 possible sentence.

12 My guilty plea is not the result of force, threats, assurance or promises other than
13 the promises contained in this agreement. I agree to the provisions of this agreement as a
14 voluntary act on my part, rather than at the direction of or because of the recommendation
15 of any other person, and I agree to be bound according to its provisions.

16 I agree that this written plea agreement contains all the terms and conditions of my
17 plea and that promises made by anyone (including my attorney) that are not contained
18 within this written plea agreement are without force and effect and are null and void.

19 I am satisfied that my defense attorney has represented me in a competent manner.

20 I am not now on or under the influence of any drug, medication, liquor, or other
21 intoxicant or depressant, which would impair my ability to fully understand the terms and
22 conditions of this plea agreement.

23 FACTUAL BASIS AND SENTENCING FACTOR

24 I agree that the following facts accurately describe my conduct in connection with
25 the offense to which I am pleading guilty and that if this matter were to proceed to trial the
26 government could prove these facts beyond a reasonable doubt:
27
28

1 On or about March 12, 2022, at or near Sells, in the District of Arizona, I,
2 Laurencio Garcia, knowingly conspired and agreed with other persons
3 known and unknown, to transport illegal aliens for profit. Specifically, on
4 March 12, 2022, I was the driver of a 2017 Dodge Charger (Arizona license
5 plate CCA2CE). I was transporting seven passengers including Miguel
6 Angel Ramirez-Jinez. Two of my passengers were concealed in the Charger's
7 trunk. I was traveling in tandem with co-defendant Gebeil Adrian Romero-
8 Felix, who was driving a gray Chevrolet Malibu (Arizona license plate
9 LNA4YC). I knew all of my passengers were illegal aliens and had not
10 received prior authorization from the United States to come, enter, remain,
11 or reside in the United States. Mr. Ramirez-Jinez is a citizen of Mexico. I
12 intended to assist all of the passengers in remaining in the United States
13 unlawfully and I was going to be paid to transport them.

14
15 I have read this agreement or it has been read to me in Spanish, and I have carefully
16 reviewed every part of it with my attorney. I understand it, and I voluntarily agree to it.

17 Date: 4/1/22



Laurencio Garcia
Defendant

18
19 DEFENSE ATTORNEY'S APPROVAL

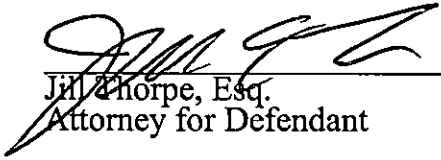
20 I have discussed this case and the plea agreement with my client in detail and have
21 advised the defendant of all matters within the scope of Rule 11, Fed. R. Crim. P., the
22 constitutional and other rights of an accused, the factual basis for and the nature of the
23 offense to which the guilty plea will be entered, possible defenses, and the consequences
24 of the guilty plea, including the defendant's waiver of the right to appeal. No assurances,
25 promises, or representations have been given to me or to the defendant by the government
26 or by any of its representatives which are not contained in this written agreement. I concur
27 in the entry of the plea as indicated above and on the terms and conditions set forth in this
28 agreement as in the best interests of my client. I agree to make a bona fide effort to ensure

///

1 the guilty plea is entered in accordance with all the requirements of Rule 11, Fed. R. Crim.
2 P.

3 I translated or caused to be translated this agreement from English into Spanish to
4 the defendant on the _____ day of _____, ____.

5
6 Date: 4-1-22

7 
8 Jill Thorpe, Esq.
Attorney for Defendant

9 GOVERNMENT'S APPROVAL

10 I have reviewed this matter and the plea agreement. I agree on behalf of the United
11 States that the terms and conditions set forth are appropriate and are in the best interests of
12 justice.

13
14 GARY M. RESTAINO
United States Attorney
District of Arizona

15 ERICA

Digitally signed by ERICA
MCCALLUM

16 MCCALLUM

Date: 2022.03.28 14:19:29
-07'00'

17 Date: _____

18 ERICA McCALLUM
Assistant U.S. Attorney
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